



LAW DEPARTMENT

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lincoln.ne.gov

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March 6, 2019

Beryl Lipton
MuckRock News
DEPT MR 69582
411A Highland Ave
Somerville, MA 02144-2516

VIA EMAIL ONLY

RE: Public Records Request dated February 21, 2019

Beryl Lipton,

This correspondence is in response to your public records request served upon the City of Lincoln dated February 21, 2019 related to facial recognition software.

Please be advised the City of Lincoln does not have any facial recognition software. The Lincoln Police Department does have an agreement with the State of Nebraska Department of Motor Vehicles (DMV) for utilization of their software. A copy of the Memorandum of Understanding between the City of Lincoln and the DMV is included as a responsive document to your request. Also enclosed, please find other documents responsive to your request.

Additional responsive documents consisting of General Orders, training material, and miscellaneous documents exist however these are being withheld because they have been determined by Ms. Tonya Peters, Legal Advisor for the Lincoln Police Department, to be records not disclosable per Neb. Rev. Stat. § 84-712.05.

Specifically, the additional responsive documents being withheld constitute records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, and those records constitute part of the examination, investigation, intelligence information, citizen complaints or inquires, and/or the reports contain strategic or tactical information used in law enforcement training as contemplated by Neb. Rev. Stat. § 84-712.05(5) and/or information solely pertaining to protection of the security of public property and persons on or within public property, such as specific, unique vulnerability assessments or specific, unique response plans, either of which is intended to prevent or mitigate criminal acts the public disclosure of which would create a substantial likelihood of endangering public safety or property as contemplated by Neb. Rev. Stat. § 84-712.05(8).

If you believe any records have been unlawfully withheld, please consult Neb. Rev. Stat. § 84-712.03 to determine your right to seek administrative and/or judicial review of this office's determination.

Beryl Lipton
March 6, 2019
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Should you have questions or wish to discuss this matter further, feel free to contact me directly. I can be reached via telephone at 402-441-7281, or via email at rtast@lincoln.ne.gov.

Best,

/s/ Rick Tast

Rick Tast
Assistant City Attorney

Enclosures

cc: Chief Jeff Bliemeister
Chief – Lincoln Police Department

Tonya Peters
Legal Advisor – Lincoln Police Department